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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/580,287

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Yoji Ohtsuka

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5964

1933 7590 10/27/2009
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
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EXAMINER

KIDWELL, MICHELE M

ART UNIT

PAPER NUMBER

3761

MAIL DATE

DELIVERY MODE

10/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,287	Applicant(s) OHTSUKA ET AL.	
	Examiner Michele Kidwell	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6 and 8 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/10/09;5/27/09;8/3/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term “groove like” lacks antecedent basis and is considered indefinite as it has not been clearly set forth by the originally filed specification what the term encompasses.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 2, 4, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arteman et al. (US 5,925,026) in view of Sciaraffa et al. (US 4,333,979).

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With respect to claim 1, Arteman et al. (hereinafter "Arteman") discloses an absorbent body including a stripe-shaped absorbent body base (figure 1), including an absorbent element obtained by mixing at least pulp with super absorbent polymer (col.4, lines 23 – 24), wherein the linear pattern elements are formed on at least one surface of the absorbent body base by being squeezed by the processing projections so as to have a groove-like shape when seen from the top, and the plurality of linear pattern elements are individually spaced from one another, dispersed in a staggered manner and arranged as claimed as set forth in col. 7, lines 9 - 22.

The difference between Arteman and claim 1 is the explicit teaching that the absorbent element is sent and transferred through a pair of rollers that are provided to be opposed to each other with a predetermined distance, wherein at least one of the rollers is a press print processing roller that has a plurality of processing projections with a predetermined layout on a circumference surface. Sciaraffa et al. (hereinafter "Sciaraffa") teaches the formation of a layer by transferring the layer through a pair of opposed rollers wherein at least one of the rollers is a press print roller with a plurality of processing projections as set forth in figure 1. The processed web is then applied to the absorbent article where cutting, placing etc would be obvious (see col. 3). Likewise, the degree of inclination as claimed may be zero and is therefore not required to be taught by the prior art.

It would have been obvious to one of ordinary skill in the art to utilize the rollers of Sciaraffa to form the specific arrangement disclosed by Arteman because the process of Sciaraffa results in a cost effective layer with increased effective thickness

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while providing softness, bulk and the retention of desirable physical properties as taught by Sciaraffa in col. 2, lines 1 – 10.

With reference to claim 2, Arteman discloses linear pattern elements are arranged so that any number of the linear pattern elements on any straight line that extend in a width direction orthogonal to a transfer direction of the absorbent body base is equal, and so that the linear pattern elements have a fixed distance thereamong in the width direction as set forth in figure 1. While a specific linear pressure may not be explicitly recited, the modification of such to a desired range is within the level of ordinary skill in the art as the press print is known in the art and intended to provided a range of pressures to a given material in order to achieve desired results.

With respect to claim 4, Arteman discloses an absorbent element filled into a storage bag (i.e., topsheet and backsheet) and sealed between edge parts of a liquid permeable sheet (i.e., topsheet) as set forth in col. 9, lines 48 – 53. The examiner considers the absorbent element to be squeezed until its absorption performance almost disappears because Arteman discloses that the apertures may have a depth up to about 99% as set forth in col. 6, lines 4 - 7. The absorbent body base is provided with linear pattern elements and a predetermined thickness as claimed as set forth in the rejection of claim 1. Likewise, the thickness as claimed may be zero and is therefore not required to be taught by the prior art.

As to claim 6, see the rejection of claim 1.

Allowable Subject Matter

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1 – 2, 4, 6 and 7 – 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Kidwell whose telephone number is 571-272-4935. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michele Kidwell/
Primary Examiner, Art Unit 3761